MINUTES

KITSAP COUNTY PLANNING COMMISSION
September 2, 2003

The Kitsap County Planning Commission met on the above-stated date at the Silverdale Community Center, 9729 Silverdale Way NW, Silverdale, Washington. Members present: John Taylor, Deborah Flynn, John Ahl, Monty Mahan, Lary Coppola, Chair, Mike Gustavson, William Matchett, Tom Nevins, Mark Flynn. Absent: None. Staff present: Kamuron Gurol, Laura Ditmer, Jason Rice, Jeff Smith, Ron McAffee, Karanne Gonzalez.

9:05 A.M.

Meeting Called to Order – Introductions and Agenda Review.

- Approval of Minutes as corrected from August 5, 2003 and August 19, 2003.

This agenda item was postponed until the September 16, 2003 Planning Commission meeting to allow time for further review.

- Public Hearing to consider oral testimony on the Interim Rural Forest Policy Revisions.

Tom Donnelly, Kitsap Citizens for Responsible Planning:
The Interim Rural Forest issue affects 20% of the land in Kitsap County and the problems with the proposed policy are outlined in the Kitsap Citizens for Responsible Planning letter from late August. Due to the numerous problems, the Kitsap Citizens for Responsible Planning proposal for an Interim Rural Forest Incentive Program is withdrawn. More information is needed on the amount of Interim Rural Forest land, how much is shoreline property, how many vacant lots already exist, population allocations and incentive program details such as Transfer of Development Rights, clustering or other preservation incentive programs. Citizens need to meet and develop a complete forest preservation program. Until that is done, the Planning Commission should recommend the Board of County Commissioners take no action.

Holly Manke White, Manke Lumber Company:
Mr. Donnelly had supported a similar program in 1998 with the only difference being that this proposed policy included 100% participation and included a shoreline element. The applicable shoreline properties are limited in number, with a few miles owned by Manke and a few other small pieces owned by other parties. This has been discussed for 15 years with the 1998 agreement representing a general consensus. The proposed policy should, however, be corrected as follows:
Existing wording indicates a bonus density of one unit per 2.5 acres for the entire shoreline parcel included in the clustered subdivision. This density should only apply to the shoreline area set aside as permanent open space. Any area above the shoreline would be the same as other properties participating in the Incentive program.

Policy RL-11-C should distinguish between shorelines and upland areas. Upland areas would be the same as other properties participating in the Incentive program.

In response to questioning, it was clarified that the shoreline properties were buildable, with a series of benches existing between the shoreline and the highest elevation. Under the proposed policy, however, they would be set aside in perpetuity and continue to be managed for timber. Community access points would be maintained, providing an additional benefit to the public.

Mike Gustavson questioned the definition of the term “bonus” with the matter deferred to the discussion portion of the meeting, after Public Testimony.

Jon Rose, Olympic Property Group:
Prior to 1996, the owner of 20 acres had the ability create 20 lots with that ability reduced by 95%. This proposal would allow an increase in densities, although it would still be an 80% loss compared to eight years ago. Further study would only stop the process, impacting large and small landowners. The policy would not result in sprawl and there would be very little change other than benefit to the public and a sense of fairness to landowners.

Art Castle, Executive Vice President of the Homebuilder’s Association:
This proposal is a responsible compromise between environmental preservation and growth management. It creates an opportunity for large lot rural landowners to have the opportunity to cluster lots while providing some public set aside.

Lisa E. Renfro, Silverdale Resident:
Clarification is needed regarding rural forest versus rural residential and the bylaws regarding clear cutting versus selling the land. If the property were clear cut, would the trees have to be replanted before selling the property or would there be a six year moratorium if the trees were not replanted. Additionally, property should be considered on an individual basis, rather than a percentage applied to all properties.

Ed Bass, President of the West Sound Conservation Council:
The proposal quadruples the density and does not address preserving forestry or ensuring forestry will be practiced on the undeveloped portion of the land. The proposed densities violate the Growth Management Act. Landowners are unlikely to sell off in 20 acre parcels. If they did, it would still result in less runoff and pollution than the increased densities. Consideration should be given to the impacts on water quality, air quality and taxpayer costs. The County does not have to take action at this
time. The earlier question regarding the definition of the term “bonus” indicates a need for further study.

John Nantz, Poulsbo Resident and Civil Engineer:
This proposal only addresses the number of dwelling units per acre. It does not address wildlife corridors, fishery habitats or other environmental issues which should be integrated into the plan. With an additional bridge, population in Kitsap County will increase and proper planning is necessary. It should not be done in chopped up pieces.

Dawn Pucci, Suquamish Tribe:
The proposal is based on a program abandoned in 1998 and not adopted by the Interim Rural Forest Committee in April 2003 due to a variety of concerns. This matter needs to move forward, but must provide benefit to small landowners in addition to larger interests. The policy should go before the Kitsap Citizens for Responsible Planning and cities should be advised of the changes. Impacts on travel corridors and transportation studies need to be addressed. The Comprehensive Plan indicates a need for 4,700 homes through 2012 with 5,600 already proposed through various projects currently occurring in Kitsap County. The additional lots provided by this proposal would exceed anticipated demand. The plan should be completed properly to reflect all affected parties, landowners and cities alike.

Richard Anderson, Kitsap Audubon:
Mr. Anderson concurs with Tom Donnelly, Ed Bass and Dawn Pucci. Once the decision is made, the wildlife habitat is lost.

Public Testimony was closed with the Planning Commission proceeding to the deliberation phase of the Interim Rural Forest proposal.

Tom Nevins read the following comments into the record, having listened to the testimony and read the submitted print regarding this matter:

1. The Proposed Interim Rural Forest Amendments create the potential for many thousands of additional housing sites in the rural and shoreline areas. Neither the number of sites nor their impact is defined. Encouraging growth in the rural area is not supported by the Growth Management Act or by the Kitsap County Comprehensive Plan. Encouraging growth in the rural area could discourage development in the Kitsap County Urban Growth Areas.

2. The incentive-based land conservation programs are not complete. The Transfer of Development Rights (TDR) program is not defined.

3. There is no consensus position on what the “bonus” program is, either from the Interim Rural Forest Committee or the Planning Commission. The potential for negative, unintended consequences is too great. There has been no analysis of the potential impact this level of development would have in service for schools, roads, parks, public safety, environmental concerns. The “bonus” impairs the flexibility, attractiveness and motivation to define the Transfer of Development Rights program.
A motion was made by Tom Nevins and seconded by William Matchett that the Planning Commission advise the Board of County Commissioners not to consider the Proposed Interim Rural Forest Amendments until a viable Transfer of Development Rights program is developed.

John Ahl:
Discussions with Staff indicated that population allocations through 2012 had been allocated. ULID #6 and Kingston would take allocations from 2017. The allocations for 2025 were before the Kitsap Regional Coordinating Council with final numbers unknown at this time. There is currently an excess capacity, with this proposal potentially creating an even greater excess capacity beyond what was projected through the planning process.

Deborah Flynn:
There is a lack of convincing evidence to support this proposal for this year’s Comprehensive Plan amendment process, although an Interim Rural Forest Incentive Program is needed and action should be taken soon. The landowners have benefited from a variety of projects, including but not limited to South Kitsap Industrial Area and ULID #6. The Interim Rural Forest Committee did not reach a consensus on any program. The Transfer of Development Rights program needs to be developed before any policy is implemented or there will be no incentive for its use. With McCormick West and other projects, there does not appear to be a demand for additional lots at this time. The Comprehensive Plan goal is to have a variety of rural densities while this proposal allows the same densities as Rural Residential, possibly more after 20 years. At the very least forests should have the same protection offered with Rural Protection zoning with one dwelling unit per 10 acres. The landowners have received tax incentives as compensation for the land’s current use as forestland, and it is not the Planning Commission’s job to maximize the landowner’s compensation. The Planning Commission should be determining how to maximize the public’s benefit.

Monty Mahan:
As Mr. Rose stated, landowners have been paying taxes on this land for a long time, some as far back as the 1800s, which was worth considering. From a conservation standpoint, RL-11-B provides two options: (1) the land can be developed with 25% designated as permanent open space with no forestry activities allowed; or (2) half can be set aside as woodland reserve, permanently undevelopable with forestry activities allowed. If deferred for additional planning, Staff’s commitments make it unlikely this will be addressed in the near future. Generally any reason for delaying a process is that it is likely a better deal will become available, which is unlikely.

Mike Gustavson:
Contrary to a previous comment, this is truly only about money. The owners have an investment and want to get a return on it. They can sell the land in 20 acre parcels, resulting in permanent clearing for home sites, pastures, etc. The landowners have generously offered half their land as permanent open space. Snohomish County has successfully argued before the Growth Management Hearings Board for one house per 2.3 acres, which is half the density considered by Kitsap County. The population will be
here and only result in an increased land value. If postponed, the next time this is considered the offer will probably not be as generous.

William Matchett:
The landowners have benefited by reduced timber taxes, selling timber and have developed additional ways to utilize their land. Although timber grows slower in this area, there is definitely a timber market with timber being grown and sold.

Mark Flynn:
There is no consensus; there are still “sides” on this issue and it appears that they are pulling further apart. This is too important an issue for contentiousness with 20% of the land in Kitsap County potentially affected. Before any policy is accepted there needs to be more work and more agreement. Otherwise there will only be turmoil for the foreseeable future. There are still too many questions, including population allocations, critical areas and general compliance of the language in the proposal with the GMA. Although supporting an Interim Rural Forest Incentive Program, he is compelled to vote in favor of the motion.

John Taylor:
assured the Public for the record that the materials and testimony had been reviewed and the input was appreciated. Allowing property owners only one home per 20 acres was excessive. It takes away a large portion of the property owner’s right to develop their land. The Growth Management Act went too far.

Lary Coppola, Chair:
Limiting 39 acres to one dwelling unit is excessive. The large landowners have waited a long time for this. If postponed, the next time around the negotiations are likely to be a lot harder. There will probably never be a consensus on this issue, with polarization having marked the growth debate all along. If he were voting, he would oppose the motion. However, to avoid a conflict of interest, he will recuse himself because he serves on the Board Kitsap Regional Economic Development Council with Mr. Rose.

Vote: Aye: 5, Opposed: 3 (Mike Gustavson, Monty Mahan, John Taylor), Abstained: 1 (Lary Coppola, Chair). Motion carried.

BREAK: 10:05 - 10:11 A.M.


Jason Rice presented Findings of Fact for the Interim Rural Forest issue summarizing oral and written testimony, Interim Rural Forest Committee input and information provided to the Planning Commission regarding the Interim Rural Forest. These Findings had been excluded from the approved Findings of Fact until the Planning Commission decided on the matter. The materials were submitted at this time in an attempt to provide them to the Board of County Commissioners prior to their September Work Study Session and Public Hearing.
A motion was made by Tom Nevins and seconded by Mike Gustavson that the Planning Commission not adopt the Findings of Fact regarding the Interim Rural Forest until they had an opportunity to review them.

Vote: Aye: 9, Opposed: 0, Abstained: 0. Motion carried.

This will be included on Agenda for the next meeting with the Board of County Commissioners not likely to act on the matter before that time. The Findings of Fact are required as part of the formal Recommendation process, but the Board of County Commissioners could be advised of the Recommendation when the Staff Report is submitted. The Board of County Commissioners would be advised that the Findings of Fact were being reviewed and would be provided to support the Recommendation.

- Deliberation and potential decision on **Kitsap County Tower Height Emergency Ordinance Amendment exempting Central Communications.**

The exemption is specifically for the 911 Communication Facility on Gold Mountain. Current Code does not allow any tower lighting in the County, while the FAA requires lighting of any tower over 200 feet. The proposed tower is 260 feet, replacing an existing 80 foot tower. Existing, lit towers were in place prior to enactment of the Code and are not structurally sound enough for wind loading for the necessary equipment. It was noted that the Suquamish Tribe tower issue is unrelated to this matter, is under tribal jurisdiction and not subject to County policies or regulations.

A motion was made by Mike Gustavson and seconded by John Taylor that the Planning Commission recommend approval of the requested Code exemption for the Central Communications tower on Gold Mountain.

Vote: Aye: 9, Opposed: 0, Abstained: 0. Motion carried.

- Current Use Assessment - Open Space Applications

Only the Development Information from the Farm Plan is provided due to the length of the Plan. The entire Farm Plan is on file and available for review with additional information such as soil, manure and storm water analyses.

Conditions for all applications have been revised as follows:

6) *There shall be no clearing of vegetation in areas fenced for stream protection, except for noxious weeds, vegetation interfering with electrified fences and grazing in pasture areas, in areas designated “Open Space.”*

7) *There shall be no hunting or trapping, except for predators and pests that may be removed by any legal means available.*

Dolores A. Helstrom - 4493 NE Stevens-Uhler Road:
The application involves two out of four short plats and is in conjunction with the Debbie Harp application, who is the daughter of Ms. Helstrom. The property is to be maintained as a family farm with one acre exempted for each lot to allow for future development. Two of the four lots have an existing residence with one acre exempted on the two remaining lots. The Farm Plan has been implemented with significant fencing completed. The buffers on the creek are less than Critical Area Requirements, although they are adequate for Current Use Assessment with the Farm Plan. There is a bridge for the livestock to cross the creek between pastures. The intended use is to breed American Quarter Horses with some riding education. The stream will be made available for fishery study and educational purposes, with the owners participating in stream improvements, water quality testing, etc. Staff recommends approval for 6.44 acres for a 60% tax reduction. The two applications combine for a total of $1265.

A motion was made by John Ahl and seconded by Mike Gustavson that the Helstrom application be approved with the revised Conditions.

Vote: Aye: 8, Opposed: 0, Abstained: 1 (John Taylor noted for the record that he abstained because he had not received copies of the applications prior to the meeting.) Motion carried.

Debbie L. Harp - 4493 NE Stevens-Uhler Road:
This application was addressed with the Helstrom Application. Approval would include the exemption of a one acre home site on each lot and a 60% tax reduction.

A motion was made by Mark Flynn and seconded by William Matchett that the Harp Application be approved with the revised Conditions.

Vote: Aye: 8, Opposed: 0, Abstained: 1 (John Taylor noted for the record that he abstained because he had not received copies of the applications prior to the meeting.) Motion carried.

Gale T. and Kay Gray - 23052 Tulin Road:
An adjacent property has previously had an Open Space Application approved for a farm. The community is active in 4-H, provides training for youth and boarding horses. Approximately 5.75 acres is managed pasture for up to four horses (Note: This is a correction to the distributed Application information). There is an approved Farm Plan with one acre exempted for the residence. Staff recommends approval for 7.36 acres with a 60% tax reduction for a tax shift of approximately $901 a year.

A motion was made by Mark Flynn and seconded by Deborah Flynn that the Gray Application be approved with the revised Conditions and noted correction.

Vote: Aye: 8, Opposed: 0, Abstained: 1 (John Taylor noted for the record that he abstained because he had not received copies of the applications prior to the meeting.) Motion carried.
Darren W. and Suzanne M. Glazer - 87 Pine Road:
This property is a combination of timberland open-space with approximately 3.36 acres
devoted to pasture and livestock for open space and one acre exempted as the home site. There is an approved Farm Management Plan. There is not a stream on the property but there are tributaries to Bear Creek and Burley Creek to the west, with storm water runoff and manure management addressed in the Farm Management Plan. Staff recommends approval for open space on 3.36 acres which is a 50% tax reduction for a $732 tax shift.

A motion was made by Monty Mahan and seconded by William Matchett that the Grazer Application be approved with the revised Conditions.

Vote: Aye: 8, Opposed: 0, Abstained: 1 (John Taylor noted for the record that he abstained because he had not received copies of the applications prior to the meeting.) Motion carried.

Steve and Wilma Childers:
This application is on hold pending a Conservation Easement and should be presented in 2004.

➢ Other Business - Joint Meeting between Board of County Commissioners and the Planning Commission.

Mike Gustavson had not been aware of the date change from September 3 for the joint meeting and, therefore, had not attended. A general summary of items discussed at that meeting was provided:

The bottom of the Planning Commission Agenda would include a list of the next two Planning Commission meeting dates, as well as any Board of County Commissioners hearings or other pertinent meetings occurring during that period.

There will be two Joint Meetings each year, with the next meeting scheduled for January 27, 2004 at 3:00 p.m. in the third floor conference room of the Public Works Building.

The Board of County Commissioners wanted to know how they could help the Planning Commissioners do their job better and whether the Planning Commission was getting the help and information they needed.

It was very clear during the meeting that Staff had a large number of tasks to accomplish and were shorthanded, making the order in which items are addressed very important. Overall, the Planning Commissioners noted it was amazing how much work Staff had accomplished under the circumstances. Staff was obviously doing the best they could under the circumstances and should be commended for their efforts.

The Board of County Commissioners and Department of Community Development will begin developing an Agenda in November 2003, for the 2004 amendment process. This should be ready for review in time for the Joint Meeting scheduled for January.
The motion was made by Mark Flynn and seconded unanimously that the meeting be adjourned.

10:50 A.M.

No further discussion being heard, the meeting was adjourned.

DOCUMENTS ADDRESSED AT MEETING

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MINUTES approved this __________ day of ____________________, 2003.

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Lary Coppola, Chair

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Planning Commission Secretary